

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Santosh Prakash	Team: Squad #8	CCRB Case #: 201600283	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 01/03/2016 11:53 AM	Location of Incident: On Franklin D. Roosevelt East River Drive, at E. 116th Street	Precinct: 25	18 Mo. SOL 7/3/2017	EO SOL 7/3/2017	
Date/Time CV Reported Mon, 01/04/2016 2:52 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 01/11/2016 2:26 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Kandou Worley	05477	945113	SRG 2
2. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Salomon Morell	19509	953140	SOD SRG
2. DTS Rosalina Corona	05678	941589	SRG 2
3. POM Rudolph Rosado	09497	949910	SRG 2
4. POM Manuel Bordoy	00323	948686	SRG 2

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Abuse: An officer searched the vehicle in which § 87(2)(b) was an occupant.	
B. An officer	Abuse: An officer seized § 87(2)(b)'s property.	
C.SGT Kandou Worley	Discourtesy: Sergeant Kandou Worley spoke discourteously to § 87(2)(b)	
D.SGT Kandou Worley	Abuse: Sergeant Kandou Worley threatened § 87(2)(b) with the use of force.	

## Case Summary

On January 3, 2016, at approximately 12:00 pm, § 87(2)(b) was involved in a multi-vehicle collision on the southbound FDR Drive, near E. 116<sup>th</sup> Street in Manhattan. While § 87(2)(b)'s black Honda was not hit, the pile-up entailed another civilian vehicle, and a convoy of four marked police vehicles belonging to the Strategic Resources Group (SRG), all of whom were travelling behind § 87(2)(b) on the highway's left lane. § 87(2)(b) was initially unaware that an accident had occurred, but slowed down when he suddenly saw and heard a police vehicle driving closely behind him, directing him to stop via megaphone. § 87(2)(b) decelerated and came to a halt on the left-lane, at which point four uniformed police officers exited and approached his vehicle. One of these officers, identified by the investigation as Sgt. Kandou Worley (SRG), allegedly called him "stupid" for not yielding to the police vehicle, and asked for his license and registration. As § 87(2)(b) provided Sgt. Worley with his documents, an officer on the other side opened the front passenger door and asked § 87(2)(b) for his key, which was lying on the center console (due to the vehicle's pushbutton ignition). When § 87(2)(b) asked why, this officer reached into the vehicle and removed § 87(2)(b)'s keys (**Allegation A, B**). Sometime after the officers left, § 87(2)(b) exited his vehicle, now realizing that there was a five-vehicle pileup behind him. When he exited, Sgt. Worley allegedly told § 87(2)(b) to get back "in your fucking car." While § 87(2)(b) complied, he later exited his vehicle again, to photo document the accident scene, at which time Sgt. Worley approached and shouted at § 87(2)(b) to get back in his vehicle, allegedly stating: "you fucking caused the accident, I'm going to show you what I'm going to do, you need to get back in the car before things get real ugly." (**Allegation C, D**) Later, as § 87(2)(b) was inside his vehicle and speaking on his phone about hiring a lawyer, Sgt. Worley allegedly stated: "Ok, I'm going to show you what the fuck I can do, you don't know what I'm capable of, you better get a lawyer." § 87(2)(b) was ultimately issued a summons for reckless driving, and permitted to leave the scene after his keys were returned. There is no video documentation of the incident (See: Review 04—§ 87(2)(b)'s CCRB Statement; Board Review 17 & 18 – Aerial Photo/ABC News & § 87(2)(b)'s Accident Photos; Board Review 10 – Summons).

## Mediation, Civil, and Criminal Proceedings

§ 87(2)(b) rejected mediation. Notice of claim results are pending. § 87(2)(b) has not been convicted of any crimes in the past ten years. § 87(2)(b)'s traffic court summons has not yet been adjudicated.

## Civilian and Officer CCRB histories

- This is § 87(2)(b)'s first CCRB complaint.
- Sgt. Worley has been a member of service for eight years: he has been a subject in 4 CCRB complaints, for 6 allegations, none of which have been substantiated. § 87(2)(g)

## **Findings and Recommendations**

### **Explanation of Subject Officer Identification**

§ 87(2)(b) stated that four uniformed officers exited the police vehicle behind him – a black male (identified by the investigation as Sgt. Worley), a white male, and two white females. § 87(2)(b) alleged that the white male – 5’9”, blonde, approximately 40 years old – reached in and removed his key (See Board Review 04 – § 87(2)(b) s Statement).

PO Salomon Morell (SRG), a dark-complexioned Hispanic male and the driver of the vehicle behind § 87(2)(b) stated that § 87(2)(b) handed him the key after he asked for it, without any other officers in the vicinity (See Board Review 05 – PO Morell’s Statement). None of the other males in the convoy – Det. Robert Rivera, PO Declan Luddington, PO Ryan Loomis, PO Manuel Bordoy, and PO Rudolph Rosado – matched the subject officer’s description (See Board Review 19 – NYPD Photo Manager Review). Because the investigation was unable to identify the officer who allegedly removed § 87(2)(b) s key, **Allegations A and B** are being pled against **An Officer**.

**Allegation A: Abuse - An officer searched the vehicle in which § 87(2)(b) was an occupant.**

**Allegation B: Abuse - An officer seized § 87(2)(b) s property.**

Whether an officer removed § 87(2)(b) s key from inside his vehicle, and temporarily seized it, is in dispute. Additionally, the circumstances preceding and surrounding the alleged search and seizure are also in dispute – namely, how § 87(2)(b) first came to a halt, and who he first interacted with.

In his CCRB Statement, § 87(2)(b) testified that he was driving his black Honda on the FDR Drive’s left lane, at approximately 20 miles an hour. Without music on or his cell phone engaged, § 87(2)(b) was driving slowly and leisurely because the vehicle was new, and because traffic was minimal on the Sunday afternoon. Suddenly, § 87(2)(b) glanced at his rearview mirror and noticed a marked police vehicle travelling closely behind him, with flashing lights but no siren, and heard a megaphoned voice instructing him to stop the vehicle. § 87(2)(b) did not brake abruptly, but immediately decelerated gradually over a period of five to ten seconds, and came to full stop on the left lane, as there was no shoulder. § 87(2)(b) had not seen or heard any police vehicles earlier, and could only see the single vehicle behind him at this time (See Board Review 04 - § 87(2)(b) s CCRB Statement).

As soon as he stopped, four officers exited the police: a black male and a white female approached his driver’s side; another white female stood by the front and took photographs; and a white male stood by the front passenger side. When the black male (identified by the investigation as Sgt. Worley) reached the driver’s side, he called § 87(2)(b) “stupid,” and told him that he was supposed to yield to the right for police vehicles. Though § 87(2)(b) did not know what was happening, he apologized, and began gathering his license and registration when Sgt. Worley asked for it. Simultaneously, the white male on the other side opened the front passenger-side door and asked § 87(2)(b) for the key. § 87(2)(b) asked the officer why he

needed his key, which was lying on top of the center console (with its pushbutton ignition, the 'smart key' only needs to be inside the vehicle). Without responding, the white male reached into the vehicle, removed the key, and walked over to the driver's side. § 87(2)(b) handed his documents to Sgt. Worley, who instructed him to stay in the car. All four officers then walked back, moving past the SUV. § 87(2)(b)'s keys were ultimately returned to him by another white male officer, approximately 90 minutes later, after this officer told him that officers were not allowed to take his keys (See Board Review 04 - § 87(2)(b)'s CCRB Statement). § 87(2)(b)'s CCRB narrative here is generally consistent with what he reported in his January 4, 2016 phone call to IAB (See Board Review 03 – IAB Audio Transcription).

The accident report, officer memo books, and LOD narratives all establish that PO Salomon Morell and Sgt. Kandou Worley were the sole occupants of the lead RMP ('RMP 1') in the four-vehicle SRG convoy, with PO Morell as the driver. The second vehicle ('RMP 2') was occupied by PO Rudolph Rosado and Det. Robert Rivera, the third vehicle ('RMP 3') was occupied by Det. Rosalina Corona and PO Manuel Bordoy, and the fourth vehicle ('RMP 4') was occupied by PO Ryan Loomis and PO Declan Luddington. The officers' memo books and LOD narratives mirror the accident report prepared by Sgt. Worley, which documents the following sequence of events: § 87(2)(b)'s black Honda came to a sudden stop on the southbound FDR Drive's left lane, after failing to yield to the SRG convoy; PO Morell, driving RMP 1, braked and stopped short of § 87(2)(b) RMP 2, RMP 3, and RMP 4 also braked and stopped short of hitting each other; but a civilian vehicle, following the convoy too closely, rear-ended RMP 4, causing a chain-collision in which RMP 4 hit RMP 3, which hit RMP 2, which hit RMP 1, which still did not hit § 87(2)(b)'s vehicle. All of the convoy officers, excluding Sgt. Worley, were removed to the hospital, treated for injuries, and granted LOD leave (See: Board Review 14 – Accident Report; Board Review 11 and 13 – PO Morell's and Sgt. Worley's Memo Books; Board Review 16 - LOD Reports).

In their CCRB statements, PO Morell and Sgt. Worley testified that § 87(2)(b) failed to yield to the convoy, despite the vehicles' flashing turret lights. When § 87(2)(b) showed no signs of changing lanes, PO Morell activated his siren for a brief single cycle. No megaphone was utilized. As soon as PO Morell did so, § 87(2)(b) suddenly and rapidly decelerated, and came to a full stop on the left lane, triggering the chain-collision described above. While neither could speak to what the other was doing, PO Morell and Sgt. Worley both stated that they first went down the convoy to triage: they assessed damage and rendered aid to officers, all of whom were unable to exit their vehicles, aside from PO Rosado and Det. Corona (See Board Review 05 and 09– PO Morell's and Sgt. Worley's Statements).

PO Morell testified that after doing so, he approached § 87(2)(b)'s vehicle to obtain his information, as Sgt. Worley had instructed earlier. PO Morell did not recall seeing any other officer approach the black Honda before him. Upon reaching him, PO Morell found § 87(2)(b) seated inside, appearing normal, and asked him for his driver's license and registration, which § 87(2)(b) provided. PO Morell then asked § 87(2)(b) for his key, which he explained was his standard protocol in all traffic stops, to ensure that drivers stay on scene. § 87(2)(b) removed the key from the ignition and handed it to PO Morell. PO Morell then placed the key on the vehicle's hood, and returned to the convoy line with § 87(2)(b)'s documents, as ambulances, fire trucks, and responding units were arriving. PO Morell was the only officer

around § 87(2)(b)'s vehicle when he obtained his documents and key. PO Morell did not converse with § 87(2)(b) beyond asking him for his license, registration, and key – he did not discuss the accident with him, or question his driving. PO Morell had no further interactions with § 87(2)(b) or any visual contact on him. Prior to being removed to the hospital, PO Morell wrote § 87(2)(b) a summons for reckless driving, which another officer delivered to him (See Board Review 05 – PO Morell's Statement).

Sgt. Worley corroborated that he instructed PO Morell to obtain § 87(2)(b)'s information, as he triaged down the convoy line. After he did so, Sgt. Worley approached § 87(2)(b) and briefly spoke with him about the accident, by himself, without any other officer around the vehicle. Sgt. Worley did not recall speaking with PO Morell, before his contact with § 87(2)(b) but believed that PO Morell had already obtained § 87(2)(b)'s information, and thus did not obtain his documents. Sgt. Worley had no knowledge whatsoever about the key, which § 87(2)(b) said nothing about it. Sgt. Worley did not see the key on the hood, and did not know if PO Morell had asked for or taken them. Sgt. Worley never observed any officer on the scene open the vehicle's doors and remove the key, and did not do so himself (See Board Review 09 – Sgt. Worley's Statement).

PO Rosado, Det. Corona, and PO Bordoy corroborated Sgt. Worley's account, in that none had any knowledge of § 87(2)(b)'s key being removed from the vehicle (See Board Review 06 and 07 – Det. Corona's and PO Rosado's Statements). While PO Rosado and Det. Corona were mobile, and each interacted with § 87(2)(b) their interactions did not follow the vehicle stop, and did not resemble what § 87(2)(b) described – a four-person group, with two females and a white male. PO Bordoy, who lost consciousness, recalled briefly stepping out of the vehicle and finding himself trapped by the wreckage, after which he remained seated inside his vehicle, on PO Rosado's advice (See Board Review 08 – PO Bordoy's Statement). Sgt. Worley, PO Morell, PO Rosado, and Det. Corona all testified that PO Luddington and PO Loomis, struck directly by the tailgating civilian vehicle, were unable to exit RMP 4.

§ 87(2)(b), § 87(2)(g)  
[REDACTED]

**Allegation C: Discourtesy – Sgt. Kandou Worley spoke discourteously to § 87(2)(b)**  
**Allegation D: Abuse – Sgt. Kandou Worley threatened § 87(2)(b) with the use of force.**

It is undisputed that Sgt. Worley and § 87(2)(b) were party to at least two verbally contentious interactions. Whether Sgt. Worley spoke or acted discourteously toward § 87(2)(b) or threatened him with force, is disputed.

In his CCRB statement, § 87(2)(b) alleged four separate interactions in which Sgt. Worley was discourteous. When Sgt. Worley first approached him, he called him “stupid,” and questioned why he had not yielded by changing lanes. When Sgt. Worley left his vehicle with his documents, he instructed him to stay in his vehicle. However, § 87(2)(b) stepped outside of his vehicle when he saw emergency vehicles arrive on the scene, realizing now that there was a serious accident behind him. As § 87(2)(b) exited, and walked to the rear of his vehicle, Sgt. Worley – who was standing three car lengths away – told § 87(2)(b) to “go back in your fucking car, nobody hit your car.” § 87(2)(b) complied and got back in (See Board 04 – § 87(2)(b)'s CCRB Statement).

A short time later, § 87(2)(b) again exited his vehicle, after deciding that he needed to photo document the accident scene. § 87(2)(b) stood at the front of his vehicle, by the passenger side, and began photographing the scene on his cell phone. As he was doing so, Sgt. Worley approached him from the rear of the convoy line. When Sgt. Worley reached § 87(2)(b) he began screaming at him to get back into the vehicle. § 87(2)(b) refused, stating he was entitled to photograph the scene. Sgt. Worley then approached § 87(2)(b) very closely, stood face-to-face, and stated: “you fucking caused the accident, I’m going to show you what I’m going to do – you need to get back in the car before things get real ugly.” As Sgt. Worley did this, two uniformed officers suddenly approached Sgt. Worley and pulled him back from § 87(2)(b) placing their arms around his torso and stomach. One of these officers then instructed § 87(2)(b) to get back into his car, at which point he complied. After this, § 87(2)(b) began calling several of his friends, to seek advice on whether to hire a lawyer. During one of these phone calls, § 87(2)(b) suddenly noticed that Sgt. Worley was standing beside the rear passenger door, as if eavesdropping on the conversation. When § 87(2)(b) noticed him, Sgt. Worley approached the driver’s door, and stated “I’m going to show you what the fuck I can do – you don’t know what I’m capable of, you better get a lawyer.” (See Board 04 – § 87(2)(b)'s CCRB Statement) § 87(2)(b)'s CCRB narrative here is generally consistent with what he reported in his January 4, 2016 phone call to IAB (See Board Review 03 – IAB Audio Transcription).

In his CCRB statement, Sgt. Worley acknowledged having two interactions with § 87(2)(b). The first occurred after Sgt. Worley had triaged down the convoy line, at which point he approached the black Honda’s driver’s side window. There, Sgt. Worley found § 87(2)(b) speaking to someone on his cell phone, and asked who he was speaking to. § 87(2)(b) replied that he was speaking to his lawyer. Sgt. Worley asked § 87(2)(b) why he needed a lawyer, as his car was not hit. In response, § 87(2)(b) said something along the lines of “I have to get a lawyer, I know how you guys are.” Sgt. Worley then informed § 87(2)(b) that he was

required to yield to police vehicles behind him, and asked why he had not yielded. § 87(2)(b) responded in some manner, but Sgt. Worley did not recall what he said, or if he offered a justification. Sgt. Worley stated that at some point on the scene – either then, or during the later interaction – he may have told § 87(2)(b) that he had caused the accident. Sgt. Worley never called § 87(2)(b) “stupid.” Sgt. Worley did not recall conversing further with § 87(2)(b) and walked away after this exchange, to resume securing the accident scene (Board Review 09 - Sgt. Worley's Statement).

As ambulances and fire trucks had now arrived, officers were being extracted from their impacted vehicles by emergency personnel, and removed into ambulance vans in stretchers. Eventually, the FDR Drive's right lane was re-opened to traffic. At around this time, Sgt. Worley saw § 87(2)(b) standing outside his vehicle, near the passenger side, taking photographs on his cell phone. Sgt. Worley approached § 87(2)(b) and watched him move from the passenger side to the driver's side, still taking pictures with his phone. Sgt. Worley met § 87(2)(b) at the rear of the Honda, stood approximately four feet away from him, and told him to get back into his vehicle for safety, since the scene was live and dangerous. § 87(2)(b) replied that he needed to photograph the scene, and stated that Sgt. Worley was trying to scare him. Sgt. Worley then instructed § 87(2)(b) to get back into his vehicle two more times, and said nothing more. § 87(2)(b) refused to comply, and continued to state loudly that he needed to photograph. At this time, PO Rosado, who happened to be behind Sgt. Worley, tapped him on his wrist, and said he would “take care of it.” When PO Rosado offered to assist, Sgt. Worley walked away and returned to the convoy line. Sgt. Worley stated that PO Rosado, the only officer near the car, never had to restrain him in any manner – he never pulled him back or stepped in between himself and § 87(2)(b). While Sgt. Worley never stood face-to-face with § 87(2)(b) he was unable to answer if he approached him any closer to effect compliance. Sgt. Worley suggested that § 87(2)(b)'s non-compliance made him upset. When Sgt. Worley was asked if he displayed any verbal, physical, or emotional signs of being upset, he said “I was upset because I had seven cops hurt.” Sgt. Worley never threatened § 87(2)(b) with force, never used profanity, and denied in sum the specifics of the alleged discourtesies. The interaction was approximately fifteen seconds long (Board Review 09 - Sgt. Worley's Statement).

In his CCRB statement, PO Rosado testified that soon after impact, while outside RMP 2, he heard Sgt. Worley speaking with § 87(2)(b) through the black Honda's passenger-side window. While he was not yelling or screaming, Sgt. Worley was “definitely angry,” asking § 87(2)(b) why he had stopped suddenly. PO Rosado moved down the convoy line and, in communication with Sgt. Worley, partially stabilized the scene. After doing so, PO Rosado approached the black Honda, where he saw § 87(2)(b) and Sgt. Worley arguing, standing several feet apart at the rear of the vehicle. Sgt. Worley was instructing § 87(2)(b) to get back inside his vehicle, and § 87(2)(b) was refusing, saying that he wanted to photograph the scene. § 87(2)(b) also said he would hire a lawyer, and Sgt. Worley questioned why he needed a lawyer. Neither § 87(2)(b) nor Sgt. Worley were yelling, but both were visibly upset. Seeing that § 87(2)(b) was repeatedly refusing to comply, and knowing that Sgt. Worley had others to attend to, PO Rosado proceeded to step in between § 87(2)(b) and Sgt. Worley, to “diffuse the situation.” Upon doing so, Sgt. Worley walked away to the convoy line, and PO Rosado instructed § 87(2)(b) to get back into his vehicle, which he did. PO Rosado did not have to say anything to Sgt. Worley, or make any physical contact with him. Sgt. Worley

never threatened § 87(2)(b) with force, never used profanity, never approached § 87(2)(b) closely, and never screamed at him face-to-face (Board Review 07 - PO Rosado's Statement). PO Morell, Det. Corona, and PO Bordoy all testified that they never observed any officer in a verbal dispute with § 87(2)(b). None of the officers witnessed any interactions between Sgt. Worley and § 87(2)(b) (See Board Review 05, 06, 08 – PO Morell's, Det. Corona's, and PO Bordoy's Statements).

The investigation was unable to determine if Sgt. Worley used profanity against § 87(2)(b) and spoke discourteously in the manner alleged. Similarly, the investigation was unable to determine if Sgt. Worley threatened § 87(2)(b) with the use of force in the manner alleged. In

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b). What was actually said in Sgt. Worley's two acknowledged interactions cannot be determined, as PO Rosado's testimony is neither independent, nor comprehensive. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Squad: 8

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date